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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-881

COMPLETED ORIGINAL

NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1982

SEPTEMBER 28, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 5162]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5162) directing the Secretary of the Interior to prepare and submit a state of the parks report to Congress, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike out all after the enacting clause and substitute:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Park System Protection and Resources Management Act of 1982".

FINDINGS

SEC. 2. The Congress finds that—

(1) the natural and cultural resources of the national park system embrace unique, superlative and nationally significant resources, constitute a major sources of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the national park system be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the national park system are being degraded or threatened with degradation; and

Y1.1/8:97-881

89-006 O

(4) no comprehensive process exists for the gathering of data, the identification, and analysis, and documentation of trends and the identification of problems regarding the condition of the national park system's natural and cultural resources and for the development of a program to prevent and reverse the or degradation of the natural and cultural resources of the national park system.

PURPOSE AND POLICY

SEC. 3. In furtherance of the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), it is the purpose of this Act, and shall continue to be national policy, to provide for a high degree of protection and preservation of the natural and cultural resources within the national park system for the benefit of the public and to provide for the interplay of the forces and processes of natural ecological succession in perpetuity (except for locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time). In furtherance of that purpose and policy, it is the specific purpose of this Act to provide for the development of comprehensive management programs, and planning and decisionmaking processes which will—

(1) identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and

(2) provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Nothing in this section shall be deemed to constitute a change in the more specific purposes or provisions of the various Acts establishing the individual units of the national park system.

STATE OF THE PARKS REPORT

SEC. 4. (a) In furtherance of the provisions of section 3 of this Act, the Secretary shall undertake a continuing program of data collection, research, monitoring, analysis and documentation as to conditions, factors and forces which are degrading, or threatening to degrade, the natural and cultural resources of the national park system and shall prepare a biennial "State of the Parks" report. Such report shall constitute documentation of the condition of park resources, including problems related to their degradation and solutions to such problems. The report shall correlate to a fiscal year base and shall be transmitted by January 1, 1984 (and by January 1 of each even numbered year thereafter), by the Secretary to the Speaker of the United States House of Representatives and to the President of the United States Senate for referral to and consideration by the appropriate legislative committees of the House and Senate. Successive reports shall update previous submissions. Each report shall be printed as a House document. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each individual unit of the national park system of—

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces;

(C) ongoing and planned protection and management actions, including specific research programs with regard to subparagraphs (A) and (B) of this paragraph; and

(D) the accomplishments and results of the actions undertaken in accordance with subparagraph (C);

(2) a description and assessment of the systemwide efforts to address the requirements of paragraph (1) of this subsection, which assessment includes a list of all personnel positions systemwide (given according to pay grade, location, and professional expertise of the incumbent) assigned 50 per centum or more of the time to direct resource protection, resource management activities or research, and an assessment of the effectiveness and adequacy of these personnel in meeting resource management objectives;

(3) a detailed and specific discussion, developed in accordance with the requirements of paragraphs (1) and (2) of this subsection, of continuing, newly implemented and/or recommended systemwide policies, plans, programs, actions, commitments, and accomplishments for both the direct management actions and the research programs of the National Park Service relating to the prevention and reversal of factors and forces which are altering or damaging, or threatening to alter or damage, the welfare and integrity of natural and cultural park resources which discussion shall include, but not be limited to—

(A) management policies, directions, and priorities;

(B) accomplishments in and progress toward resolving specific problems described in the current and the previous State of the Parks report;

(C) continuing research projects;

(D) new administration and research proposals for park protection and resource management programs;

(E) an itemized estimate of the funding required for the following two fiscal years to carry out both the continuing and the new management actions and research programs;

(F) legal authority available for addressing damage and threats emanating from outside unit boundaries, the effectiveness of that authority in preventing damage to the natural and cultural resources, and suggestions for new authority which may promote resource protection; and

(G) the progress in meeting the objectives of this Act;

(4) a discussion of the adequacy of past and present congressional appropriations in addressing protection and resource management programs; and

(5) a determination and explanation of funding needs for fulfilling the mandates of this section.

(b) In the preparation of the State of the Parks report, the National Park Service shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of thirty days for review and comment no less than three months before the final report is due for submission to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register. A summary of public comments received shall be transmitted with the State of the Parks Report.

SIGNIFICANT RESOURCE PROBLEMS

SEC. 5. The Secretary shall identify and establish priorities among at least the most critical fifty natural and the most critical fifty cultural resource problems or threats within the national park system and shall prepare a detailed analysis of such problems or threats (with an estimate of the funds necessary to reduce or eliminate the problems or threats). Such analysis shall be made annually and shall be submitted to the Appropriations Committees of the Senate and House of Representatives and to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, at the same time as the budget justification data are submitted to the Congress for each fiscal year.

SCIENTIFIC ADVISORY ASSISTANCE

SEC. 6. (a) The Secretary shall take such steps as may be necessary to contract with the National Academy of Sciences for development of a plan for the National Park Service to conduct natural and cultural resources inventories and research directed to the problems of and the solutions for natural and cultural resource problems within the national park system.

(b) The plan required under subsection (a) shall be simultaneously submitted to the Secretary, and to the appropriate committees of the Congress no later than eighteen months after the effective date of this Act. Three months and six months after the effective date of this Act, the Secretary shall submit to the appropriate committees of the Congress a written statement as to his progress in the consummation of arrangements with the National Academy of Sciences for the development of such a plan.

(c) Funding for such program shall derive from funds specifically appropriated for this purpose to the National Park Service.

RESOURCE MANAGEMENT PLANS

SEC. 7. Resource management plans for each unit of the national park system, including areas within the national capital region, shall be prepared and updated no less frequently than every two years. Such plans shall address both natural and cultural resources of the park units and shall include, but not be limited to—

(1) a historical overview of the past composition, treatment, and condition of the resources;

(2) a statement of the purposes and objectives for the management and preservation of the individual or collective components of the resource base;

(3) an inventory of significant resources and their current condition, prepared in accordance with acceptable scientific baseline data collection methods;

(4) an identification of current and potential problems, emanating from sources both inside and outside park unit boundaries, associated with the protection and management of the resources;

(5) a comprehensive, detailed program of proposed actions to be taken to prevent or reverse the deterioration of the natural and cultural resources of the park, including a proposed schedule of actions to be initiated and the estimated costs to complete such actions; and

(6) a brief summary of accomplishments in resolving resource problems identified pursuant to paragraphs (4) and (5) of this subsection.

General management plans developed for each park unit shall be brought into conformity with the park unit's resource management plan, and the resource management plan shall be used to provide data for the State of the Parks Report. The Secretary shall establish guidelines for the National Park Service setting forth procedures whereby the development of general management plans and resource management plans shall be coordinated with other affected Federal agencies, States, and local governments.

LAND CLASSIFICATION REVIEW

SEC. 8. The Secretary shall conduct a review of the current land classification system for the preservation and use of lands within park system units, and shall adopt such revisions as may be appropriate to assure the protection of park resources, appropriately balanced with the use and appreciation of those resources by visitors. Such review shall include the development of a new classification for maximum resource protection where restricted use may be necessary to protect sensitive ecosystems and cultural resources or areas of special value for research, scientific, or related purposes. The review mandated by this section shall be completed and the results adopted by January 1, 1984.

INTERNATIONALLY RECOGNIZED AREAS

SEC. 9. (a) Those park units accorded the designation of "biosphere reserve" or "world heritage site" shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts. The Secretary shall develop a document, setting forth such policies and guidelines as are appropriate to achieve these objectives, to be published in draft form in the Federal Register no later than January 1, 1984, for public comment and published in final form no later than April 30, 1984. Such document shall be revised subsequently as appropriate.

(b) It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated as a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained, and the collective attributes for which it was so recognized and designated are accorded the highest practicable degree of continuing protection.

PUBLIC LAND MANAGEMENT

SEC. 10. (a) In any case of areas which are within any unit of the National Park System, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such park system unit was established (including the scenery and the natural and cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof for this section or section 11 may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document executed by the Secretary of the Interior or the head of any other Federal agency or instrumentality as may be required by this section or section 11.

(b) In any case of areas which are adjacent to any unit of the National Park System, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park unit was established; except that if the Secretary determines that—

(1) any significant adverse effects on the values for which the national park unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 through 1a–7) and specific provisions of law which established the affected national park unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives. The Secretary shall not implement such decisions until thirty legislative days after such transmittal.

(c) This section shall not apply to inland waters except as to those which the Federal government owns the waters.

FEDERAL PROGRAM REVIEW

SEC. 11. (a) Each agency or instrumentality of the United States conducting or supporting activities within or adjacent to any unit of the national park system shall, to the extent practicable, undertake to insure that those activities will not significantly degrade the natural or cultural resources or values for which the unit was established.

(b) During the normal procedure utilized by any Federal agency in deciding to undertake or approve any Federal action (except such actions as may be required for maintenance or rehabilitation of existing structures or facilities) on areas within or adjacent to any unit of the national park system, the agency head (or the Secretary as determined pursuant to subsection (d) of this section), shall consider whether such action may degrade or threaten the natural or cultural resources of any such unit, and if the head of such agency finds that such action may have such an effect, he shall notify the Secretary in writing. Such notification shall, at a minimum, include a description of the proposed action, the proposed agency's views as to the potential short and long term impact of the proposed action on the park unit's resources, and any measures proposed by the agency to prevent or minimize adverse effects on such park unit's resources.

(c) The Secretary shall respond in writing with regard to the foreseeable impact on park resources of such proposed Federal action and shall include recommendations for any changes in the proposed Federal action needed to avoid adverse effects on park resources. Such response shall be submitted to the proposing Federal agency within 60 days after receipt of notification required by subsection (b). The response by the Secretary shall include (as an attachment) the views of professional personnel within the National Park Service whose expertise is relevant to the issue of the impact of such proposed action on park resources.

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action and on his own determination finds that such action may threaten the natural or cultural resources of any unit of the national park system, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency head shall promptly provide the Secretary with the information specified in subsection (b), and any other relevant information in the possession of such agency if requested by the Secretary, and such notification by the Secretary pursuant to this subsection shall thereby invoke the other relevant provisions of this section.

(e) The Secretary shall fully consider any adopted city, county, State, or Federal comprehensive development plans or elements thereof and shall, if requested by the affected governmental unit, hold a public hearing prior to responding to the Federal agency if such response to the proposed action is to be negative. The hearings are to be held at or near the site of the proposed action or project after notification to the affected local government unit.

(f)(1)(A) In all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

(B) In all cases where the proposed Federal action would occur upon areas not owned by the Federal Government within the authorized boundary of a national park unit, the proposing Federal agency shall fully consider the recommendations of the Secretary and shall comply with such recommendations, unless the head of such agency, after consideration of applicable law, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 through 1a–7), finds that the public interest in the proposed action is greater than the public interest in avoiding the adverse effects on the natural and cultural resources of the affected national park unit. The proposing Federal agency shall, upon such determination publish the record of decision in the Federal Register and notify, in writing, the Secretary and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such decisions, including the reasons therefore and shall not implement the proposed action for thirty legislative days after the date of such transmittal.

(2) In any case where the proposed Federal action involves areas adjacent to the boundary of a park unit, the proposing Federal agency shall fully consider the recommendations contained within the response from the Secretary. The proposing Federal agency shall transmit the details of the plannd final course of action to the Secretary prior to implementing such action. In any instance in which there is substantial disagreement between the proposing agency's course of action and the Secretary's recommendations to the agency, the Secretary shall, within 10 days of receipt of the agency's planned final course of action, notify, in writing, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The proposing Federal agency may proceed with the proposed final course of action at the time of transmittal to the Secretary, except that if the proposed final course of action is inconsistent with the recommendations of the Secretary, the proposed final course of action shall not be implemented for 30 legislative days after the date of such transmittal to the committees of Congress referred to in the preceding sentence.

(g) The Secretary shall publish promptly (but in all cases within ten days) in the Federal Register a notice of—

(1) receipt of any proposed Federal action, including a summary of the key components of the proposal and the location and availability of supporting documents, and

(2) notice of the response made by the Secretary to the proposing agency, including all recommendations made by the Secretary.

(h) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

(i) Any action under this Act must be brought in the United States District Court for the district in which the National Park System unit concerned is located, and such court shall have jurisdiction to provide any appropriate relief.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the national park system where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the national park system, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the national park system and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until appropriated and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the effective date of this Act, no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the national park system shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of this Act, each unit within the national park system shall have initiated such an effort.

(f) In no more than two years following the date of enactment of this Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose principal duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

PUBLIC INFORMATION PROGRAM

SEC. 13. By January 1, 1983, the Secretary shall initiate and shall continue to develop, a public information program designed to inform park visitors and the public of the problems confronting the protection of park resources and the solutions being implemented to address those problems. Educational information of this nature shall be made available to youth groups and to educational institutions.

PERSONNEL

SEC. 14. The Secretary shall promptly and continually take actions to assure that the staffing of the National Park Service provides for an adequate number and distribution of personnel with sufficient scientific and professional knowledge and expertise to provide for the protection and management of the natural and cultural resources. Scientific research shall be directed to the resource protection and management needs of the park system units. Programs, guidelines, and standards for the following shall be under development by no later than January 1, 1983, and completed no later than January 1, 1984:

(1) employee training programs in resource protection and resource management;

(2) performance standards for all employees as related to resource protection and resource management;

(3) qualification criteria related to resource protection and resource management for positions to be filled by new employees; and

(4) career ladders for employees specializing in resource protection and resource management, with equitable promotion opportunities for advancement into mid-level and senior general management positions.

GENERAL MANAGEMENT PLANS

SEC. 15. Section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 through 1a–7) is amended by inserting the following at the end of the first sentence: "Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1983 shall be revised and approved to so address all such elements by no later than January 1, 1987.".

DONATIONS

SEC. 16. (a) In the case of real property located adjacent to, or within or in the rear vicinity of, any unit of the national park system if—

(1) the owner of any interest in such property desires—

(A) to make a contribution of such interest to any person, and

(B) to have such contribution qualify as a charitable contribution under section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts), and

(2) the Director of the National Park Service determines that the contribution of such interest to such person will protect or enhance the unit of the national park system,

the Director of the National Park Service shall, upon such owner's written request, promptly take appropriate steps to assist the owner in satisfying the requirements of such section 170 with respect to such contribution.

(b) The assistance provided by the Director of the National Park Service under subsection (a) shall include (but shall not be limited to) providing for—

(1) a professional valuation of the interest in real property being contributed, and

(2) a statement as to the importance of such contribution related to protecting and enhancing park unit values.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

SEC. 17. In all cases where the Secretary determines that the provisions of this Act are in conflict with the provisions of the Act of December 2, 1980 (16 U.S.C. 3101–3233), the provision of the Act of December 2, 1980 (16 U.S.C. 3101–3233) shall prevail.

DEFINITIONS

SEC. 18. As used in this Act, the term—

(1) "Appropriate committees of the Congress" means those committees of both the House and the Senate which have primary jurisdiction for the authorization of national park system units and programs or for the appropriation of funds for the acquisition and operations of such units and programs.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

(3) "Resource" and "resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are principally of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains.

(4) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b–1c).

(5) "Federal action" means any Federal project or direct action, or any Federal grant or loan to a public body.

(6) The term "30 legislative days" means 30 calendar days of continuous session of Congress. For purposes of this paragraph—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 30-day period.

SAVINGS PROVISION

SEC. 19. Nothing in this Act shall be construed to exempt the Secretary of the Interior, the Director of the National Park Service, or any other department, agency, or instrumentality of the United States from compliance with any other requirement of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. Effective October 1, 1983, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 21. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983. Nothing in this section shall be construed to affect or impair any authority to enter into contracts, incur indebtedness, or make payments under any other provision of law.

Amend the title so as to read:

An Act to provide for the protection and management of the National Park System and for other purposes.

BACKGROUND

In 1979, the Committee on Interior and Insular Affairs requested a report from the National Park Service on the status of degradation of or threats of degradation to the natural and cultural resources within units of the national park system. That report was forwarded to the Congress in May, 1980. The report was based on a park-by-park survey of perceived threats to park resources. The report listed 4,345 specific threats to park resources. The findings of the study were that:

Park units representing all size and use categories, and all types of ecosystem, reported a wide range of threats affecting their resources. These threats, which emanate from both internal and external sources, are causing severe degradation of park resources.

The 63 National Park natural areas greater than 30,000 acres in size reported an average number of threats nearly double that of the Servicewide norm. Included in this category are units such as Yellowstone, Yosemite, Great Smokey Mountains, Everglades and Glaciers. Most of these great parks were at one time pristine areas surrounded and protected by vast wilderness regions. Today, with their surrounding buffer zones gradually disappearing, many of these parks are experiencing significant and widespread adverse effects associated with external encroachment.

The 12 Biosphere Reserve Parks, which are unique natural areas that range in size from 15,000 acres to more than two million acres and which are dedicated to long-term ecosystem monitoring under the UNESCO Man and the Biosphere program, surprisingly reported an average number of threats nearly three times the Servicewide norm. This is particularly disturbing because the Biosphere Reserve Parks are considered to be model ecological control areas. The large number of threats reported by these parks may reflect the greater emphasis directed to monitoring in these areas. If this is, in fact, the reason for the increased occurrence of reported threats in the Biosphere Reserve Parks, it suggests that significant numbers of threats may have been overlooked in other parks which, to date, have received much less monitoring and research attention.

More than 50 percent of the reported threats were attributed to sources or activities located *external* to the parks. The most frequently identified external threats included: Industrial and commercial development projects on adjacent lands; air pollutant emissions, often associated with facilities located considerable distances from the affected parks; urban encroachment; and roads and railroads.

Threats associated with activities or with sources located *within* park boundaries continue to cause significant degradation of park resources, park values, and visitor park experiences. The most frequently reported internal threats are associated with: Heavy visitor use; park utility access corridors; vehicle noise; soil erosion; and exotic plant and animal species.

Scenic resources were reported to be significantly threatened in more than 60 percent of the parks. *Air quality resources* were reported endangered in more than 45 percent of the parks. *Mammal, plant, and fresh water resources* all were reported threatened in more than 40 percent of the units. Other endangered resources are listed in ranked order of occurrence in the report.

A surprising 75 percent of the reported threats to park resources have been classified by onsite park observers as inadequately documented by either private or government research. Threats associated with air pollution, water pollution, and visitor related activities most frequently were cited as needing additional monitoring, scientific measurements or research documentation.

Oversight hearings were conducted by the Subcommittee on Public Lands and National Parks on February 4, 5, 8, and 22, 1982 during which numerous witnesses testified to the natural resource degradation that was occurring in many units of the national park system Witnesses also pointed out many serious problems with cultural resource protection with the national park system, an area not addressed by the National Park Service report. A summary of the cultural resource threats is as follows:

Lack of minimum heat due to energy and budget restrictions is causing severe damage to many historic structures and museum collec-

tions—walls buckling and wraping, ceilings collapsing, furnishings flaking and cracking, and artifacts deteriorating.

Sulfates from industrial sources and power plants and organic acids and nitrates from automobile exhausts are causing increased deterioration rates on historic structures, museum objects, and paper documents.

The Service's List of Classified Structures is only half complete—an estimated 10,000 structures remain to be identified and evaluated.

The Cultural Resources Management Bibliography, an inventory of Service reports on park cultural resources has not been updated since 1976.

Less than 10% of the estimated 10 million objects in park collections are actually catalogued.

Less that 25% of Service's historic structures and national historic landmarks have been documented to the standards of the Historic American Buildings Survey.

Crime and vandalism have increased, causing theft and destruction of cultural resources.

Unauthorized digging and collecting is increasing at archeological sites and historic battlefields.

Overcrowding and substandard storage has damaged artifacts.

Needed repairs have not been made on historic and prehistoric structures.

Industrial, commercial and residential development on or near park boundaries increasingly threaten cultural parks.

Increased visitation has increased incompatible recreation uses, heavy traffic on park roads and destruction of historic and prehistoric sites.

Testimony presented also detailed policy and management problems related to protection of natural and cultural resources such as:

Inadequate baseline data needed to measure the severity of resource degradation.

Insufficient research.

Lack of qualified personnel trained in natural or cultural sciences.

Inadequate resource planning at the unit level.

No systematic long term data collection and analysis programs.

No policy or procedural system for reporting problems to higher authority within the executive branch or to the Congress.

The results of the study and testimony indicate that no units of the nationtal park system are immune to external and internal threats, and that these threats are causing significant and demonstrable damage. There is little question but that these threats will continue to degrade and destroy irreplacable park resources until such time as prevention and mitigation measures are implemented. In many cases, this degradation or loss of resources is irreversible.

Purpose

The purpose of H.R. 5162 [1] is to provide for the development of comprehensive management programs, and planning and decision-

[1] H.R. 5162 was introduced December 10, 1981 by Representative Douglas K. Bereuter. Similar bills introduced and considered by the Committee were H.R. 5552 (Representative John F. Seiberling), H.R. 5973 (Representative Pat Williams), and H.R. 5976 (Representative Douglas K. Bereuter).

making processes which will identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Subcommittee Substitute Amendment to H.R. 5162

SECTION-BY-SECTION ANALYSIS

Section 1. Title.—National Park System Protection and Resources Management Act of 1982.

Section 2. Findings.—That the national park system contains unique and nationally significant natural and cultural resources that are to be given the highest degree of protection possible. There is evidence that many of the natural and cultural resources within the park system are being degraded or threatened with degradation from sources within and outside of the park boundaries, but there is no systematic process to detect, measure, document, and report upon the success or failure of the National Park Service to accord these resources such needed protection.

Section 3. Purpose and Policy.—National policy that a high degree of protection and preservation of the natural and cultural resources within the national park system shall be provided is reaffirmed. Also indicated is a reaffirmation of longstanding policy and practice that within park system units, the interplay of natural forces and the processes of natural ecological succession shall be permitted to occur unfettered by human intervention. Exceptions would be in locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time. The specific purpose of the Act is to provide for comprehensive planning, management and decision-making processes to further the policy of protecting and preserving the resources of the national park system.

Section 4. State of the Parks Report.—Requires the Secretary of the Interior to collect, analyze and document the data needed to identify the factors which may be degrading or threatening to degrade the natural and cultural resources within units of the national park system. A report on the findings for each park shall be submitted to the Congress every two years starting on January 1, 1984. Specific guidelines for the report content are included.

The format would be much more comprehensive and detailed than the report submitted in May 1980. The report would entail three principal sections: (1) a brief description for *each park unit* as to the condition, damage/threats, and corrective actions being taken or planned related to each park unit's resources; (2) a summarizing description and assessment *park system-wide* of the condition of, and damage/threats to, park resources; and (3) a *system-wide*, detailed and comprehensive discussion of actions and solutions taken related to the damage and threat problems. Included under this third section of the report would be a discussion of the accomplishments achieved as related to all individual sections of the Act (paragraph G).

An initial public involvement and final public review process is called for. The initial involvement should entail an early opportunity for public assistance in identifying problems and solutions for individual park units, and for the system as a whole.

Section 5. Significant Resource Problems.—A report identifying the fifty most critical natural and the fifty most critical cultural resource threats shall be submitted to the Congress annually at the same time administration budget requests are submitted. Such a list was developed by the National Park Service in 1981, drawn from hundreds of candidate problems system-wide. The list required by this section should constitute the system-wide priority problems emanating from outside, as well as inside the parks.

Section 6. Scientific Advisory Assistance.—The Secretary is directed to seek to contract with the National Academy of Sciences for assistance in restablishing the data collection, analysis, and research programs needed to complete the report required by Section 4. The National Park Service has long suffered difficulty in developing and sustaining a strong, viable research program. This provision is designed to assist in the development of such a program by drawing upon the considerable expertise in this regard which can be assembled by the Academy.

Section 7. Resource Management Plans.—Requires resource management plans to be prepared and updated every two years for each unit of the national park system. Specific objectives of the plans are set forth. General management plans are required to be brought into conformity with the resource management plans, and the development of both such plans is to be coordinated with other Federal agencies and affected State and local governments.

Section 8. Land Classification Review.—Requires the Secretary to review the current land classification system used for classifying lands within units of the national park system, and to develop a new classification for maximum resource protection where necessary to protect sensitive ecosystems and cultural resources.

Section 9. Internationally Recognized Areas.—Requires that those park units designated as biosphere reserves or world heritage sites shall receive priority consideration for monitoring and resource protection efforts. The Secretary is required to set forth policies and guidelines to implement this objective. Proposes that the appropriate management and legislative officials develop means and methods to ensure the protection of any international park.

Section 10. Public Land Management.—(a) Requires that within the boundaries of any unit of the national park system where the Secretary has authority to act he may exercise such authority only in a manner which will not significantly degrade the natural and cultural resources of the park. (b) In the case of areas adjacent to units of the national park system where the Secretary has jurisdiction, his authority would be likewise restricted, except where the Secretary finds that adverse effects on the park values are of lesser importance than the public interest value of the proposed action. (c) This section does *not* apply to any inland waters, except those which the Federal government owns. It is not intended to include, in the term inland waters, any ocean bay or tidal estuary or any part of the Great Lakes, but the

term would include river systems such as the Colorado River or the Missouri-Mississippi River systems.

Section 11. Federal Program Review.—(a) Requires each Federal agency, other than the Secretary of the Interior, taking action within or adjacent to any unit of the national park system, to insure, to the extent practicable, that such actions will not degrade the park resources.

(b) Requires a Federal agency undertaking a Federal action (defined in Sec. 18 as a direct action, loan or grant to a public body only) within or adjacent to a unit of the national park system to determine, during the normal planning process for such action, if the action will degrade the natural or cultural resources of the park. If the head of a Federal agency so finds he shall notify the Secretary.

(c) The Secretary shall respond to any proposing agency within 60 days, with comments and recommendations for changes in the proposed action, if any.

(d) Provides the Secretary with authority to request information regarding a proposed action from any Federal agency when he deems such action may threaten the natural or cultural resources of a park unit, in which case the same 60-day and other limitations will apply.

(e) Requires the Secretary to fully consider any adopted Federal, State, or local comprehensive development plan during his deliberations on proposed Federal actions, and to hold a public hearing under certain prescribed circumstances, but without extending the 60-day limitation.

(f) Provides that in the case of an action proposed by a Federal agency on *Federal* lands or waters *within* the boundary of a park unit, the Federal agency shall comply with the recommendations of the Secretary.

Provides that when the proposed Federal action would occur on non-federal lands or waters *within* the boundary of a park unit the head of such agency, after consideration of applicable law and a finding that such action has greater public interest than the adverse effects on the park resources, may proceed with the action.

Provides that when the proposed Federal action is adjacent to the boundary of a unit of the national park system, the Federal agency shall consider the recommendations of the Secretary. The Federal agency may proceed with its final course of action at the time it notifies the Secretary of the decision, except that if the action is inconsistent with the recommendations of the Secretary, implementation shall be deferred for thirty legislative days (as defined in Section 18) after submittal of details to the appropriate legislative committees of the Congress.

(g) Requires the Secretary to publish notices of proposed actions and responses in the Federal Register.

(h) Exempts emergency, disaster, and national security actions from the provisions of the section.

(i) Requires any legal action to be brought before the United States District Court within the district in which the affected park unit is located.

Section 12. Technical Assistance, Cooperation and Planning.—(a) Directs the Secretary to cooperate with, and authorizes technical assist-

ance to, any governmental unit within or adjacent to a unit of the national park system.

(b) Provides that personnel assigned to work with such governmental units be employees of the National Park Service.

(c) Authorizes the Secretary to make grants to local governments to assist in cooperative planning efforts. Limits the grants to not more than $25,000 each.

(d) Authorizes for appropriation not more than $750,000 per year for three years for such grants.

(e) Provides that biosphere reserves and world heritage sites, as well as no less than two park units for each administrative region, shall be given priority for the purpose of this section.

(f) Requires that within two years, persons knowledgeable of and having the expertise necessary to implement this section be assigned to each park unit, or if it can be effectively so handled, to each regional office. It is intended and preferred that such persons be assigned directly to individual park units where the size, complexity and need for such expertise is such as to bring better results than having the needs handled from a more remote regional office. A Service-wide training program related to the requirements of this section is to be developed within one year.

Section 13. Public Information Program.—Requires the Secretary to develop a public information program to advise and inform park visitors and others of the need to protect park resources.

Section 14. Personnel.—Provides that actions be taken to assure adequate numbers and distribution of professional and scientific personnel are assigned to provide knowledge required for decisions leading to adequate protection of park resources.

Section 15. General Management Plans.—Requires general management plans be updated every ten years.

Section 16. Donations.—Authorizes the Director of the National Park Service to advise potential donors of the value of contemplated donations, as well as informing them of the positive benefits to the park unit of such donations.

Section 17. Alaska National Interest Lands Conservation Act Priority.—Provides that if the Secretary determines that any provisions of this legislation are in conflict with the Alaska National Interest Lands Conservation Act, the provisions of that Act shall apply.

Section 18. Definitions.—Defines, for the purposes of the Act, appropriate Committees of Congress, Secretary, Resource and resources, National park system, Federal action, and legislative days for purposes of this Act, it is intended that actions by the Government of the District of Columbia be considered those of a local government and not a Federal action.

Section 19.—Savings Provision.

Section 20. Authorization of Appropriations.—Authorizes for appropriations such sums as may be necessary.

Section 21.—Required language for compliance with the Budget Act.

The Committee notes that five days of markup sessions were held on this legislation, during which numerous amendments were offered. Intensive consideration was given to every section of the bill, but

particularly to sections 10, 11, and 18. This bill, as approved reflects adoption of many amendments which tend to more precisely prescribe and articulate the intent and scope of the bill's application.

During the discussion of the bill, the proper definition of the term "adjacent to" was thoroughly discussed. For purposes of this bill, "adjacent to" is used to prescribe and limit the application of the review process affecting federal actions occurring outside park boundaries to only those actions nearby or contiguous to the park. Thus, clarifying the scope of this term was deemed important. However, after much discussion, the Committee concluded that a precise definition was neither possible nor desirable. Instead, the Committee agreed to rely primarily on the definition of "adjacent" contained in Black's Law Dictionary. Thus, the Committee understands that "adjacent" refers to sites near or close to, and sometimes contiguous. Adjacent implies that the two objects are not widely separated, though they may not actually touch. By contrast, "adjoining" implies that the two objects are so joined or united with each other that no third object intervenes.

During the discussion, the Committee agreed that in any application of this bill regarding an attempt to decide whether a proposed federal action was "adjacent to" the park, that a "rule of reason" should be applied. For example, the Committee noted that, if a proposed action were to occur 100 miles away, even if it were to occur in a national forest which covered the entire intervening distance, this would clearly not be "adjacent" for purposes of this bill. On the contrary, a proposed action occurring 10 miles from the park could be termed adjacent for purposes of this bill, depending on the nature of the proposed action, and its potential for impacting on the park's resources.

Therefore, before this bill would apply to *any* federal action, two criteria would have to be met. First, that the action would occur "adjacent to" the park's boundary, and, second, that there is likelihood of adverse impact on park resources.

However, the Committee made it very clear that application of the provisions of this bill to federal actions occurring outside park boundaries would in no way constitute the actual or implied creation of "buffer zones" around the parks. This is clearly the case, since the bill does not provide the Secretary, or anyone else, with any new, substantive authority to protect parks, or to prohibit any federal action.

In reaching its conclusion that it would be inappropriate to define "adjacent to" in terms of any specific linear distance from the park, the Committee discussed a number of examples to illustrate the issue. In Utah, the proposal for the Department of Energy to locate a high-level nuclear waste dump one-half mile from the boundary of Canyonlands National Park would clearly fall within the scope of "adjacent" federal action. Similarly, the proposal of the Forest Service and the Bureau of Land Management to lease portions of the Targhee National Forest for geothermal energy drilling only 10 miles from the Old Faithful geyser in Yellowstone National Park, Wyoming, would be deemed "adjacent". On the other hand, a new Federal building proposed by the Pennsylvania Avenue Development Corporation

two blocks from the Ford's Theatre National Historic Site in downtown Washington, D.C. would not likely be deemed "adjacent".

Another aspect of the bill critical to defining the scope of its application is the discussion which occurred on the definition of "federal action". Even if an action is adjacent to a park boundary, the bill would not apply unless the proposed action is a *direct* federal action, or a Federal grant or loan to a public body. Thus, wholly private actions, or actions of other units of government that would occur without federal involvement, would be excluded from application of this bill. The provisions of this bill, for example, have no application to actions occurring on private inholdings or on private lands adjoining or adjacent to the park, unless a federal agency is directly involved. In addition, the bill would not apply to federal actions taken to or with private individuals, such as home loans or mortgage insurance.

The clear intent of the Committee is to limit the applicability of this bill to direct federal actions, on the theory that since protection of the resources of the national park system has been deemed a worthy federal goal, then the actions of other federal agencies which may adversely affect those park resources should be taken only after careful consideration by interested agencies.

Of equal importance to understanding the intent of the Committee with regard to protection of park resources pursuant to this bill, is a clear comprehension of the process which is initiated by either a federal agency or by the Secretary of Interior when a proposed project is determined to be potentially harmful to park resources.

The Committee notes that actions by other Federal agencies which are in the nature of non-discretionary grants, such as payment in lieu of taxes, are not to be affected by the provisions of this bill. The Committee also specifically intends that actions by the District of Columbia are excluded from the definition of Federal actions.

The review of federal programs, initiated by section 11 of the bill, can be triggered either by the head of any federal agency, or by the Secretary of the Interior. whenever either determines that a proposed federal action could potentially degrade or threaten the natural or cultural resources of any unit of the national park system. However, the bill very clearly does *not* create another layer of bureaucracy or red tape. For instance, the 60-day review period given the Secretary to comment on actions proposed by other Federal agencies, is to occur *concurrently* with the agencies' normal decisionmaking and review process. Thus, the opportunity for the Secretary to comment on a proposed federal action, is decidedly not an opportunity for undue delay.

One of the major benefits of this review process intended by the Committee is to insure the proper consultation and coordination between Federal agencies. All too often, in the Committee's judgment, Federal agencies fail to even *notify* sister agencies when actions are about to occur on nearby lands, and similarly fail to consider the effect of their actions on other Federal programs. The Committee believes that early consultation and coordination will save the Federal government time and money, and will make actions taken by Federal agencies more efficient, effective, and fair to all concerned. In the Committee's view, proper implementation of the review procedure established by

this bill will result in faster and smoother governmental decision-making, in part by helping to avoid crippling and costly delays due to widespread public protest which often occurs in the late stages of project implementation. Early consideration of Federal project impacts on national park system units can even reduce the likelihood of delays due to litigation.

Although the point was discussed fully during the Committee markup of the bill, it bears further clarification that the provisions of this bill do *not* provide either the Secretary or the National Park Service with any new authority to block or prohibit any project, action or initiative proposed by local, state, or Federal governmental units outside of park boundaries. The bill merely establishes a review and coordination mechanism to assure that all aspects of any Federal action's impacts on national park resources are fully considered. There are no mandatory or coercive actions imposed on any Federal agency which would constrain its final decisions, other than those occasioned by the requirements to consider the effects of its actions and to afford the Secretary, the public and the Congress an opportunity to review the project during the agency's normal decision-making process.

Subsection 11(e) refers to comprehensive development plans or elements thereof, which are intended to include land use plans, community facility plans, and transportation plans.

Subsection 11(i) added by amendment in Committee, is intended to assure that any actions brought before the courts (in accordance with rules of general law) as a result of the implementation of this bill shall be considered in the United States District Court located in the closest proximity to the park unit or units affected by such action.

LEGISLATIVE HISTORY AND RECOMMENDATION

Hearings were held by the Subcommittee on Public Lands and National Parks on H.R. 5162, H.R. 5552, H.R. 5973, and H.R. 5976 on March 30 and June 22, 1982. The consideration of the bills was completed on September 9, 1982, at which time a Subcommittee amendment to H.R. 5162 was adopted and reported to Full Committee. The Committee on Interior and Insular Affairs considered H.R. 5162 on September 22, 1982 and ordered the bill, as amended, favorably reported, by recorded vote (26 for; 11 against) and recommends it to the House.

INFLATIONARY IMPACT STATEMENT AND BUDGET ACT COMPLIANCE

While provisions of H.R. 5162 authorize appropriations for local governmental planning assistance, for reports to be prepared by the National Park Service, increased data collection and analysis and scientific research, these programs are generally in effect at the present time and would be expanded. The main thrust of the legislation is to provide an orderly process of planning, management, and decision-making leading to greater protection of natural and cultural resources within units of the national park system. Taken in the context of the overall budget, the funding involved is insignificant and

the Committee believes no inflationary impact will result from the enactment of this legislation. The analysis of the Congressional Budget Office follows:

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

September 27, 1982.

1. Bill number: H.R. 5162.
2. Bill title: National Park System Protection and Resources Management Act of 1982.
3. Bill status: As ordered reported by the House Committee on Interior and Insular Affairs, September 22, 1982.
4. Bill purpose: H.R. 5162 directs the Secretary of the Interior to implement and expand certain activities to protect and preserve natural and cultural resources of the national park system. These activities include monitoring and biannual reporting of threats to those resources, and preparing resource management plans for each unit of the national park system. The Secretary is also directed to develop a program to inform the public of the need to protect park resources, and is authorized to provide technical assistance and to make grants to local governments within or adjacent to units of the national park system for purposes of developing compatible land management policies. Separate appropriations of such sums as necessary, beginning in fiscal year 1984, to fulfill the separate mandates of the bill, and up to $750,000 annually from 1984 through 1986 for grants, are authorized by the bill.
5. Cost estimate:

	Millions
Estimated authorization level:	
Fiscal year:	
1983	-----
1984	$3.3
1985	3.3
1986	3.5
1987	2.8
Estimated outlays:	
Fiscal year:	
1983	-----
1984	2.8
1985	3.3
1986	3.5
1987	2.9

Although no funds are authorized to be appropriated prior to fiscal year 1984 to fulfill the requirements of this bill, based on information from the National Park Service, it is estimated that fiscal year 1983 costs of this bill are approximately $0.2 million.

The costs of this bill fall within budget function 300.

6. Basis of estimate: The estimated authorization level reflects the $750,000 grant authorization for fiscal years 1984 through 1986 and estimated costs of fulfilling the other requirements of the bill, based on information from the National Park Service. Outlays also are estimated based on information from the National Park Service.
7. Estimate comparison: None.
8. Previous CBO estimate: None.

9. Estimate prepared by: Anne E. Hoffman.
10. Estimate approved by: C. G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

Oversight Statement

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act. Four oversight hearings were conducted on the matter in February 1982. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

Departmental Report

Reports were requested from the Department of the Interior on H.R. 5552 on March 18, 1982; on H.R. 5162 on January 15, 1982; on H.R. 5973 on March 29, 1982; and on H.R. 5976 on April 5, 1982. On September 28, the date of filing of this report, the following communication was received from the Department of the Interior:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., September 28, 1982.

Hon. Morris K. Udall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is to provide you with the Department's views on H.R. 5162, the "National Park System Protection and Resources Act of 1982," as ordered reported by the Subcommittee on Public Lands and National Parks.

We remain strongly opposed to this bill for many reasons, most of which were expressed in testimony on similar legislation before the Subcommittee on Public Lands and National Parks by National Park Service Director Russell Dickenson, March 30, 1982.

We fully support the goals and intent of the bill: to identify threats and provide for the highest possible degree of protection, preservation and enhancement of the natural and cultural resources within the National Park System. As Secretary Watt and National Park Service Director Dickenson have reaffirmed on many occasions, we are committed to these goals and are doing everything necessary and possible to identify present and potential threats and damage, mitigate existing impacts and prevent future harm to those resources. It is largely for these reasons that we have suspended the acquisition of new parklands. We believe our highest priority must be to repair and care for our existing park units, to preserve these national treasures for future generations to enjoy and appreciate as we have.

We believe, however, that H.R. 5162 is unnecessary, duplicates existing laws and administrative programs, creates more red tape, and imposes inflexible requirements on resource management efforts that should remain flexible enough to apply available staff and funds to changing needs. It attempts to impose statutory mandates on what are properly discretionary administrative functions.

The bill would require that limited program funds be expended on new studies and reports, which would replicate work already being done and would reduce the personnel and funds needed to mitigate potential threats and restore the National Park System's lands and facilities. We feel strongly that mitigation and restoration must take precedence over duplicative studies and mandated reports.

H.R. 5162 and certain statements made in support of the bill greatly overstate the degree to which our parks are threatened. They suggest that little or no authority exists to identify or address problems, and that little is being done to protect park resources. Some appear to question the concern, commitment, integrity and professionalism of this Department and the National Park Service (NPS).

For example, under our existing resources management program, every unit of the National Park System will have a resources management plan. These will be done as part of the process of developing general management plans for each area, as required by section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a–7). The requirement in H.R. 5162 that resource management plans be prepared for every unit of the National Park System is therefore unnecessary.

Under H.R. 5162, a detailed biennial "State of the Parks" report must be submitted to Congress. We recognize that current law imposes no reporting requirement. However, we have always complied with Congressional requests to provide information on national park and other land use issues and will continue to do so. We do not believe a reporting requirement needs to be legislated.

Furthermore, we are very concerned about the adverse budgetary and personnel impacts which will inevitably result from many of the provisions of this legislation. For example, the requirement that the National Park Service contract with the National Academy of Sciences for a study of research and resource management programs. Completion of these studies and reports will take resources away from other, more essential tasks and would not significantly aid the park protection program. We would obviously welcome any advice of the Academy, but we do not believe such a study should assume the high priority it would enjoy by being mandated in law.

Within the requirement in section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) that an environmental impact statement be prepared for major Federal actions, we do not see the need for the provisions regarding Federal consistency and consultation in H.R. 5162. In our opinion, Federal agencies must be aware of the effect of their actions on park resources, and the NEPA process must be carefully followed with no shortcuts. H.R. 5162 duplicates existing provisions and creates additional burdens, without commensurate benefit.

We also recognize the need for regional consultation, cooperation and planning that is addressed in this legislation. However, general management plans for park units and the accompanying environmental documents are not adopted and implemented without public input to the process. We believe the NEPA process and our administra-

tive initiatives obviate the need for detailed legislation which mandates specific personnel and training actions.

In our opinion, the key to protecting the park resources is "conflict resolution through cooperative management." This means working hand in hand with other Federal agencies, State and local units of government, corporations and private entities, to protect natural and cultural resources within our parks. By voicing its concerns and suggesting solutions, the NPS has established itself as a partner in a wide variety of land use decisions. The Island Park geothermal program is but one instance where this approach has been used successfully. It illustrates that we have the authority, and are using it, to coordinate land use activities and avoid or mitigate harmful effects.

In addition, elements of the Administration's Land Protection Policy will require cooperation from local governments and adjacent landowners. As each park unit develops a Land Protection Plan, specific goals will be identified where regional cooperation can accomplish resource protection in the park. We do not believe any additional legislation is necessary.

The legislative mandates about policies and guidelines to assure that "biosphere reserves" and "world heritage sites" receive priority in resource protection, as well as the land classification, public information program, and employee training requirements, are more appropriately left to administrative discretion and the development of budgetary priorities. They are inappropriate as inflexible legislative mandates.

As we stated in our testimony on H.R. 5552, a similar bill:

"The solution to protecting our park resources is a shared responsibility. Our concern about protecting our National Park System from threats arising outside of Park boundaries must also become a State and local concern as well. This is the challenge of the 80's—to become 'Good Neighbors' with our State and local governments, with the full expectation that they, too, will be our good neighbors."

We can protect park resources with the support of other Federal, State and local governmental agencies—acting in a spirit of cooperation and negotiation, and with the support of Congress for budgetary initiatives of the Secretary for funds to improve the parks. We are already pursuing a strong protection program, and we intend to continue and amplify these efforts. Additional legislation, such as H.R. 5162, is neither necessary nor desirable.

The Office of Management and Budget has advised that the enactment of this legislation would not be in accord with the program of the President.

Sincerely,

DONALD PAUL HODEL,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

The Act of August 18, 1970

(48 Stat. 825; as amended, 16 U.S.C. 1a–7)

* * * * * * *

Sec. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

(b) General management plans for the preservation and use of each unit of the National Park System, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director of the National Park Service. *Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1983 shall be revised and approved to so address all such elements by no later than January 1, 1987.* On January 1 of each year, the Secretary shall submit to the Congress a list indicating the current status of completion or revision of general management plans for each unit of the National Park System. General management plans for each unit shall include, but not be limited to:

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementations, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and

(4) indications of potential modifications to the external boundaries of the unit and the reasons thereof.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed.

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DISSENTING VIEWS

INTRODUCTION

We believe the National Park System represents holdings of unmatched beauty, grandeur, and natural and cultural resources. These resources are significant both to the U.S. and to the world, and deserve protection for future generations. However, as an attempt to identify problems and threats to the park system and rectify such problems, the legislation reported to the House falls far short of its goals, and causes incumbent problems which force our opposition to its enactment. The premise upon which the legislation is based—the protection of park resources—is a laudable one. However, the translation of this legislation into law through its provisions will prove to be onerous to local and state governments, as well as to private landowners on lands adjacent to park system units. Further, the genesis of this legislation was based upon a woefully inadequate and hastily-prepared document submitted to Congress in May of 1980. The referenced document was an effort to assess park problems and impacts from both within and without the boundaries of park system units. Pressed for time, and lacking any local or state input, the National Park Service personnel produced a document without substantiation or explanation of their perceptions of existing and future problems facing the parks.

Vague reference, with no documentation or explanation, of such park problems as "employee ignorance", "increased oil and gas development outside the park", and "drunkenness and vandalism", do not represent either the pinnacle of research efforts or an adequate point of reference from which the Congress should be expected to derive conclusions which ultimately lead to enactment of legislation. These members will note that during the extensive hearings afforded this bill, problems were detailed which, indeed, represent challenges to management of units of the National Park System. However, it should be further noted that on balance, this legislation would do very little to affect a change in those threats which intensify management problems, while at the same time placing an undue burden on local and state governments outside the parks. Any legislation which seeks to minimize impacts to the parks must not subordinate the local governments via the considerable coercive power of the federal government. This legislation clearly does so, and therefore, we must oppose its enactment.

We represent the view that the parks were established for use by the people, and that the function of the National Park Service is to minimize adverse impact, while maximizing public use and enjoyment of the resources. It is further the feeling of the Members that local and state governments, who through no fault of their own are located adjacent to national parks, should not be asked to sacrifice

their growth and the economic well-being of their citizens because of perceived threats against park resources which emanate from beyond the borders of their neighboring parks without an adequate opportunity for input into the identification of, and amelioration of, any such perceived problems. We note that, despite repeated rejections during hearings and mark-up of the term "buffer zones", the effect of this legislation is to unnecessarily and unconscionably encumber non-Federal landowners outside the parks, effectively carving out federal buffer zones through federal management decisions affecting adjacent lands.

Following is a brief summary of our objections to this legislation:

SECTION 2—FINDINGS

The undersigned Members believe that the national park system is composed of unique, superlative, and nationally-significant resources, which benefit the people of the United States. However, we find disturbing the failure to include within subsection (2), any reference to the protection of resources to benefit the public's enjoyment of these resources. It is clear that the parks were established for and should be managed to promote public enjoyment consistent with the protection of the resources. Recent calls to limit access to the national park system are indicative of a move towards restricting the public's ability to enjoy those lands which are set aside for them. Parks, unlike components of the National Wilderness Preservation System, were not designed to be, by definition, inaccessible to the U.S. public.

SECTIONS 3 AND 4

These are generally supported by us, as necessary to ensure that adequate evaluations of the state of the parks are ongoing and presented to the Congress in a timely manner.

SECTION 5—SIGNIFICANT RESOURCE PROBLEMS

This section is unnecessary and redundant, due to the previous sections dealing with the identification of problems and the presentation of findings to Congress.

SECTION 6—SCIENTIFIC ADVISORY ASSISTANCE

We feel that this provision represents an undue impediment of the Secretary's discretion to decide how to use appropriate levels of scientific assistance in the conduct of analysis of park problems and methods to mitigate problems.

SECTION 7—RESOURCE MANAGEMENT PLANS

This section requires the preparation of resource management plans every two years, and seems to these Members inconsistent with the resource plans of other federal land managing agencies. Further, we must question the efficacy of requiring such frequent plans in light of other duties of park service personnel. It may be preferable to require less frequent, but more in-depth, resource management plans, rather

than unnecessarily burdening park service personnel with a responsibility that may ultimately lead to a rubber-stamping of inadequate previous plans and the concomitant insufficient data.

SECTION 8—LAND CLASSIFICATION REVIEW

This section presents some questions about the future decisions of land classification within the park system. We reiterate our belief that the parks have been established for the use by the public in conjunction with protection of the resources. Any attempts through this section to restrict or prohibit public access to areas of any park are considered by these Members to be inconsistent with the purposes for which the parks were established. The park system will not be revered and enjoyed by a public cast off of park lands by an overzealous land manager—this section promotes a system through which such access will be increasingly cited as damaging, and therefore, subject to restrictions.

SECTION 9—INTERNATIONALLY RECOGNIZED AREAS

This portion of the bill is viewed as appropriate to protect those special enclaves of the park system which warrant this international significance. Such protection, however, should not be deemed as reason to restrict legitimate public access and enjoyment of these units of the park system.

SECTION 10—PUBLIC LAND MANAGEMENT

We feel that this section, like section 8, is riddled with good intentions which may ultimately, through translation into law, lead to a subordination of all activities save maximum preservation and visitor exclusion. Like section 11, it presents non-park land managers with little input into the resource management decisions on their own lands, if such lands border the park. This serves to elevate the status and input of the National Park Service personnel above that of other, non-Park Service professionals. This subordination of responsibility to the Park Service can only lead to a degradation of esteem and morale within these other land management agencies, and a further erosion of the federal government's attempts to attract talented, knowledgeable land managers to the service.

SECTION 11—FEDERAL PROGRAM REVIEW

This section, formerly known as the "Federal Consistency" section, is the most objectionable of the sections within the bill, and is in large part responsible for our opposition to this legislation. It is evident to these Members that the presiding intent of this entire section is to make all federal actions within or adjacent to park system units subject to National Park Service scrutiny and ultimately, control. In addition to the previously-mentioned personnel problems incumbent in any such scenario, it is our opinion that the strongest case can be made against this section in its assault against state and local rights through the considerable coercive powers granted the National Park Service. While carefully crafted to ensure that there is no direct veto

power over local projects through the use of this section, a careful examination and a rudimentary understanding of the legal difficulties presented local communities through this section make it loathesome to those of us devoted to the protection of the autonomy of local governments.

While purportedly designed to ensure that federal agencies with a left hand happen to be consistent with those agencies in ownership of a right hand, this section effectively ensures that the local and state governments on lands adjacent to the park have no hand in the decision-making processes which directly affect their community livelihood and local decision-making. This is an unacceptable situation to us. The idea that local and state governments will be forced to suffer under the burden of yet another layer of ubiquitous red tape to carry out their efforts to increase transportation quality, provide for proper sanitation facilities, and allow their citizens to progress in the manner they decide, is unconscionable to us. The resurrection of the concecpt that decisions are best made in Washington, rather than at the local level, is a rebirth through this legislation the undersigned most reluctantly acknowledge. Only by rolling the stone back over the crypt of Washington interference will local leaders and affected communities be afforded the autonomy they deserve.

Further, it is with incredulity that we note the failure within this legislation to adequately define the term "adjacent", with all the legal implications such an omission constitutes. Another overriding concern regards the omission of any varying treatment between widely diverse components of the national park system. Such an omission necessarily confuses and makes more difficult the implementation of any worthwhile and effective resource management and protection program.

We are pleased that the Committee has recognized the wisdom of statutorily embracing local, rather than Washington, D.C., justice in cases where differences of opinion arise from this provision. This is a consideration long overdue in those parts of the country long frustrated by legal decisions emanating from Washington on cases affecting localities by Judges with little knowledge of local conditions.

Within the findings, and throughout the bill, there are no attempts to distinguished between the wide variances within the units of the national park system. We find it indefensible to apply the same criteria to buildings and urban parks that we apply to the larger components of the park system. This lack of attention to detail is consistent throughout other areas of the legislation. Further, the Members view recent policy to forego further additions to the park system and instead devote those acquisition monies to the protection and upgrading of the existing park system to be a clear sign of this administration's commitment to upgrade and protect the resources of the national park system. Adequate authority already presides within the National Park Service and the Interior Department to identify and ameliorate impacts upon the park system, as evidenced by this recent development.

SECTION 12—TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

This section represents a worthy goal in and of itself, but within the context of this legislation, may very well be perceived as a small

price for the federal government to pay for local government compliance with its requests. In addition to appearing circumspect to local governments, such assistance, conditional upon cooperation, is tantamount to the "carrot and stick" approach. Further, the personnel provisions in (f) of section 12 are decisions which are best left to secretarial discretion in balance with the other needs of a particular unit or regional office of the National Park Service.

SECTION 13—PUBLIC INFORMATION PROGRAM

The intent of this section is quite clear, and given present programs, equally superfluous.

SECTION 14—PERSONNEL

The intent of this section is laudatory, in that it attempts to ensure that the National Park Service is properly equipped with personnel with the knowledge necessary to identify and mitigate park problems. However, it is the opinion of the Members that this is clearly a matter of secretarial discretion, in line with his other myriad responsibilities and his ultimate responsibilities to the U.S. taxpayer. While the Members may not necessarily agree as to whether this section constitutes a "park service CETA program", it is certainly a matter of considerable debate.

SECTION 15—GENERAL MANAGEMENT PLANS

Consistent with our previously-stated observations about section 7 ("Resource Management Plans"), it occurs to us that the incorporation of the Resource Management Planning cycle into the General Management Plan cycle makes better sense and is a more responsible use of the federal taxpayer's dollar. This position is furthered by the acknowledgement by the Members that any General Management Plan must necessarily include a consideration of the findings of the Resource Management Plan.

SECTION 16—VALUATION OF DONATION

This section is appropriate if the donation to be made is consistent with congressionally-mandated park boundaries.

SECTION 17—ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

We feel this section necessary due to the inherent conflicts between traditional uses guaranteed under ANILCA and the traditional position of the park service towards such practices in the parks.

Sections 18 through 20 are generally uncontroversial.

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